

REMARKS

In response to the Office Action dated October 31, 2007, Applicant hereby elects the subject matter of Group I, Claims 1-20 and 34-41. The claims of the non-elected Group II (claims 21-33) are retained to permit rejoinder upon the identification of allowable subject matter in Group I. Applicant also reserves the right to file one or more divisional applications directed to non-elected subject matter.

Claim 39 is cancelled, without prejudice or disclaimer thereof.

Claims 42-47 are added and are directed to the elected subject matter. Claims 42 and 43 are supported, for example, by previous claim 34, paragraph [0023], and Figures 1A and B. Support for claim 44 is found in paragraph [0057] and Figure 1B, for example. Claims 45-47 are supported, for example, by paragraph [0057].

Claims 1, 3-10, 21-35, 38, 40 and 41 are amended without prejudice or disclaimer to clarify the recited subject matter and conform the claims to U.S. practice. Claim 31 is amended to correct typographical errors. Claims 38, 40 and 41 are amended to replace “use” claims with the corresponding “method” claims.

Claims 1, 3-10, 21-29 and 41 are amended to replace the term “ratios” with “amount.” These amendments are supported by the specification as filed. The person of ordinary skill would understand that the particular “ratios” of FSH and hCG, cited in the specification, refer to combinations containing the specified amounts of FSH and hCG, particularly when the “ratios” are presented in the form of international units and refer to a combination provided together, such as in a single vial.

For example, at paragraph [0010], the specification refers to different “ratios” in previously published studies, such as 150:0, 150:37.5, *etc.* Those documents describe combinations of, *e.g.*, 150 IU FSH and 0 IU hCG, 150 IU FSH and 37.5 IU hCG, *etc.* Thus, the term “ratio” as used in this context in the specification refers to actual amounts present in a single composition.

Because the person of ordinary skill would understand the specification to refer to amounts of FSH and hCG in the described compositions, the written description requirement is satisfied. Accordingly, the foregoing amendments to claims 1, 3-10, 21-29 and 41 do not introduce new matter.

CONCLUSION

Claims 1-38 and 40-47 are pending and in order for immediate examination.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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